

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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AMADEO SANCHEZ,

Plaintiff,

v.

STATE OF NEVADA; et al.,

Defendants.

3:11-cv-0273-LRH-WGC

ORDER

Before the court is defendants Michael B. Koehn, Gregory Martin, Robert Bannister, and Keli Lyons's (collectively "defendants") objections to the Magistrate Judge's minute orders concerning a scheduling order (Doc. ##30, 31<sup>1</sup>). Doc. #35.

On November 16, 2011, defendants filed a motion for summary judgment. *See* Doc. #24. Thereafter, the Magistrate Judge issued a scheduling order and granted plaintiff Amadeo Sanchez ("Sanchez") leave to conduct discovery to oppose the motion for summary judgment (Doc. ##30,31). In response, defendants filed the present objections arguing that the discovery and scheduling orders were not permitted under the local rules. *See* Doc. #35.

Local Rule IB 3-1 authorizes a district judge to reconsider any pretrial matter referred to a Magistrate Judge pursuant to LR IB 1-3 where it has been shown that the Magistrate Judge's order

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<sup>1</sup> Refers to the court's docket entry number.

1 is clearly erroneous or contrary to law. Here, the court has reviewed the documents and pleadings  
2 on file in this matter and finds that the Magistrate Judge's order is not clearly erroneous or contrary  
3 to law.

4 In their objection, defendants challenge the Magistrate Judge's authority to allow Sanchez  
5 to conduct discovery to oppose the motion for summary judgment and to issue a scheduling order  
6 prior to ruling on the pending motion for summary judgment. Defendants contend that allowing  
7 discovery is improper because he has not yet made an "appearance" in this action under LR 16-1(b)  
8 because they have filed a dispositive motion. The court disagrees. The court finds that a motion for  
9 summary judgment is an "appearance" under LR 16-1(b) sufficient to trigger both a scheduling  
10 order and the initiation of discovery. Further, equity requires the court to allow Sanchez discovery  
11 to oppose the factual assertions in support of defendants' motion. Therefore, the court finds that  
12 defendants' objections to the Magistrate Judge's orders are without merit. Accordingly, the court  
13 shall affirm the Magistrate Judge's orders.

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15 IT IS THEREFORE ORDERED that defendants' objection to the Magistrate Judge's orders  
16 (Doc. #35) is DENIED. The Magistrate Judge's orders (Doc. ##30, 31) are AFFIRMED.

17 IT IS SO ORDERED.

18 DATED this 11th day of April, 2012.



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21 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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